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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,273	09/30/2003	Burton L. Levin	7146.0173	6567
55648	7590	03/07/2007	EXAMINER	
KEVIN L. RUSSELL			HERNANDEZ, JOSIAH J	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP			ART UNIT	PAPER NUMBER
1600 ODSTOWER			2609	
601 SW SECOND AVENUE				
PORTLAND, OR 97204				
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/07/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/676,273	LEVIN ET AL.
Examiner	Art Unit	
Josiah Hernandez	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                 |                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                                                                 | 6) <input type="checkbox"/> Other: _____.                         |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/30/2006, 03/10/2005, 11/17/2003.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 5, 11, 15, 21, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated over Tretiakoff et al. (US PGPub 2003/0134256).

As to claim 1, Tretiakoff discloses a method for the automated, audible recitation of text arranged in a sequence of one or more words and displayed on surface (see abstract) defining an area having a height dimension and character of said text (see paragraph [0030]) along each dimension, said method comprising: a first element capable of distinguishing individual words in said sequence from an image of said surface (see paragraphs [0001], [0013], and [0031]): a second element capable of audibly reciting the words distinguished by said first element, in said sequence (see paragraph [0001]); and a third element

capable of capturing an image of said surface such that all characters of said text within said area are captured simultaneously (see paragraphs [0001] and [00013]).

As to claim 5, Tretiakoff discloses said element capable of capturing an image and automatically focusing on said text (see paragraph [0015]).

As to claim 11, Tretiakoff discloses a method for the automated, audible recitation of text arranged in a sequence of one or more words and displayed on surface (see abstract) defining an area having a height dimension and character of said text (see paragraph [0030]) along each dimension, said method comprising: a first element capable of distinguishing individual words in said sequence from an image of said surface (see paragraphs [0001], [0013], and [0031]); a second element capable of audibly reciting the words distinguished by said first element, in said sequence (see paragraph [0001]); and a third element comprising (see paragraph [0036]): an array of light-sensitive members that each convert light incident on said members to respective electromagnetic signals (see paragraph [0037]); a lens capable of focusing an image on said array (see paragraph [0039]); and a circuit capable of receiving said respective electromagnetic signals and creating an electronic image associated with said image (see paragraphs [0040], [0041], and [0042]).

As to claim 15, Tretiakoff discloses said element capable of capturing an image and automatically focusing on said text (see paragraph [0015]).

As to claim 21, Tretiakoff discloses an electronic device comprising a processor (see paragraph [0036]), a lens in proximity to an array of light sensitive members that each convert light into a respective electrical signal (see paragraphs [0037] and [0038]), and an audio device (see paragraph [0051]), whereby said lens is capable of focusing an optical image containing text in a sequence of words on said array which converts said optical image to an electronic image containing said text (see paragraphs [0057] and [0058]); said processor is capable of receiving said electronic image and identifying individual said words in said text and routing said words in said sequence to said audio device (see paragraphs [0051] and [0053]); and said audio device is capable of audibly reciting said words in said sequence (see paragraph [0059]).

As to claim 25, Tretiakoff discloses the apparatus of claim 21 including a self-contained power source (see paragraph [0052]).

As to claim 26, Tretiakoff discloses said system with the capability of correcting skewed images (see paragraph [0015]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10 and 16-20, are rejected under 35 U.S.C. 102(e) as being anticipated over Tretiakoff et al. (US PGPub 2003/0134256).

As to claim 6, Tretiakoff does not specifically disclose a processor having software that instructs said third element to capture a test image of at least a portion of said surface, analyze said test image, and based on said analysis, capture a second image that differs from said test image. Tretiakoff does disclose a system that aligns and centers the image and words so that people with visual disabilities can accurately take pictures of what they desire to read (see paragraph [0015]. It would have been obvious to one skilled in the art that

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in order for a device to align the words or image of a surface it would need to use a portion of the image as reference, then with the test image the other images can be corrected.

As to claim 7, Tretiakoff discloses said system with the capability of correcting skewed images (see paragraph [0015]).

As to claim 8, Tretiakoff discloses the system of claim 6 where said second image is more focused than said test image (see paragraph [0032]).

As to claim 9, Tretiakoff discloses the system of claim 6 where said second image correct for a distortion in said test image resulting from capturing text from a curved surface (see paragraph [0032]).

As to claim 10, Tretiakoff discloses the system of claim 6 where said second image is a portion of said first image (see [0032]).

As to claim 16, Tretiakoff does not specifically disclose a processor having software that instructs said third element to capture a test image of at least a portion of said surface, analyze said test image, and based on said analysis, capture a second image that differs from said test image. Tretiakoff does disclose a system that aligns and centers the image and words so that people

with visual disabilities can accurately take pictures of what they desire to read (see paragraph [0015]. It would have been obvious to one skilled in the art that in order for a device to align the words or image of a surface it would need to use a portion of the image as reference, then with the test image the other images can be corrected.

As to claim 17, Tretiakoff discloses said system with the capability of correcting skewed images (see paragraph [0015]).

As to claim 18, Tretiakoff discloses the system of claim 16 where said second image is more focused than said test image (see paragraph [0032]).

As to claim 19, Tretiakoff discloses the system of claim 16 where said second image correct for a distortion in said test image resulting from capturing text from a curved surface (see paragraph [0032}).

As to claim 20, Tretiakoff discloses the system of claim 6 where said second image is a portion of said first image (see [0032]).

5. Claims 4, 14, 22, 23, 28, 30, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tretiakoff et al. (US PGPub 2003/0134256) in view of Schuller (US 6,965,862).

As to claims 4 and 14, Tretiakoff does not specifically disclose an audible system that can adjust one of a voice, volume, or pitch. Schuller teaches a portable reading machine that takes an image of text and converts it to speech. This system includes audible capabilities with adjustable volume (see paragraph [0041]). It would have been obvious to have used the adjusting volume capability disclosed in Schuller in the portable text to speech conversion system in Tretiakoff. Doing so would allow for the users of such system to adjust the volume to their liking.

As to claim 22, Tretiakoff does not specifically disclose the portable text to speech converter system as being a PDA. Schuller teaches that the text to speech converter system can be a PDA (see paragraph [0011]). It would have been obvious to have used a PDA as disclosed by Schuller for the system in Tretiakoff because the user could use the PDA for text to speech conversion and other functionalities without having to carry excess equipment.

As to claim 23, Tretiakoff does not specifically disclose the portable text to speech converter system as being a laptop computer. Schuller teaches that the

text to speech converter system can be a computer (see paragraph [0011]). It would have been obvious to have used a computer as disclosed by Schuller for the system in Tretiakoff because the user could use the computer for text to speech conversion and other functionalities without having to carry excess equipment.

As to claim 28, Tretiakoff does not specifically disclose the text to speech system being a cell phone. Schuller teaches a text to speech system that is used in junction with a cell phone as one body (see paragraph [0050]). It is inherent that in order for such a system to function properly the cell phone system would include a body portion containing a keypad, an audio receiver, and an audio transmitter; a digital camera, and a processor capable of receiving an image containing a text sequence from said digital camera, distinguishing individual words in said sequence, and causing said audio transmitter to recite said individual words in said sequence. It would have been obvious to have used the cell phone disclosed in Schuller for the system in Tretiakoff because this would allow further functionality of the text to speech system.

As to claim 30, Tretiakoff discloses said system with the capability of correcting skewed images (see paragraph [0015]).

As to claim 32, Tretiakoff and Schuller do not specifically disclose a cell phone where said processor includes one or more templates for identifying the format of text in a document corresponding to said template. It would have been obvious to one having ordinary skill in the art at the time the invention was made that in order for the optical character recognition in the cell phone system to function properly the device would have to have templates that govern its ability to recognize characters from any text.

As to claim 33, Tretiakoff and Schuller do not specifically disclose a cell phone where one of said templates corresponds to a phone book. It would have been obvious to one having ordinary skill in the art at the time the invention was made that if the cell phone has templates for text recognition, the text or character recognition template would also include being able to recognize phone books.

As to claim 34, Tretiakoff and Schuller do not specifically disclose a cell phone with buttons to dial phone numbers from its memory. It would have been obvious to one having ordinary skill in the art at the time the invention was made that in order for the cell phone to dial a number from its memory or from a phone book that it has taken a picture from the cell phone has to have buttons to dial with.

6. Claims 2, 12, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tretiakoff et al. (US PGPub 2003/0134256) in view of Hiroe et al. (US 7,088,853).

As to claim 2, 12, 24, and 29, Tretiakoff does not specifically disclose using an electronic dictionary. Hiroe teaches a text to speech method that includes a programmable electronic dictionary (see column 4 lines 4-14). It would have been obvious to have used the electronic dictionary disclosed in Hiroe for the text to speech system in Tretiakoff because this would allow the system to become more accurate for recognizing text.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tretiakoff et al. (US PGPub 2003/0134256) in view of Goldberg (US 6,205,261).

As to claims 3 and 13, Tretiakoff does not specifically disclose using spell check in the text to speech system. Goldberg discloses a text recognizing system that uses spell check (see column 2 lines 54-60; column 3 lines 15-25; column 9 lines 35-55). It would have been obvious to have used spell check as disclosed in Goldberg for the system in Tretiakoff because this would allow for the system to correct words misspelled so that the system can accurately identify text.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tretiakoff et al. (US PGPub 2003/0134256) in view of Baum (US 6,256,610).

As to claim 27, Tretiakoff does not specifically disclose capability for reading page numbers of text documents. Baum teaches a page prompt module that is capable of identifying a page number in the header or footer of an image, and prompting the audio device to recite a warning to a user if the apparatus receives images of pages of text in non-sequential order (see column 4 lines 32-47).

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tretiakoff et al. (US PGPub 2003/0134256) in view of Schuller (US 6,965,862) as applied to claims 4, 14, 22, 23, 28, 30 above, and in further view of Baum (US 6,256,610).

As to claim 31, Tretiakoff and Schuller do not specifically disclose capability for reading page numbers of text documents. Baum teaches a page prompt module that is capable of identifying a page number in the header or

footer of an image, and prompting the audio device to recite a warning to a user if the apparatus receives images of pages of text in non-sequential order (see column 4 lines 32-47).

### ***Conclusion***

Any inquiry concerning this communication should be directed to Josiah Hernandez whose telephone number is 571-270-1646. The examiner can normally be reached from 7:30 pm to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



XIAO WU  
SUPERVISORY PATENT EXAMINER